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**U.S. Department of the Interior
Bureau of Land Management
Kremmling Field Office
P.O. Box 68
Kremmling, CO 80459**

CATEGORICAL EXCLUSION

NUMBER: CO-120-2008-24-CX

PROJECT NAME: Brandenburg/Cody Resources Assignment

LEGAL DESCRIPTION: T. 11N., R. 80W., Section 11: W $\frac{1}{2}$ W $\frac{1}{2}$
Section 14: NW $\frac{1}{4}$ NW $\frac{1}{4}$

APPLICANT: Cody Resources LP

DESCRIPTION OF PROPOSED ACTION: Cody Resources LP has applied for an assignment of the current right-of-way issued to John Brandenburg for an access road to private land. No other changes would be made to the right-of-way grant (see Attachments for project map and right-of-way stipulations).

PLAN CONFORMANCE REVIEW: The Proposed Action is subject to and has been reviewed for conformance with (43 CFR 1610.5, BLM 1617.3) the following plan:

Name of Plan: Kremmling Resource Management Plan (RMP), Record of Decision (ROD)

Date Approved: December 19, 1984; Updated February 1999

Decision Number/Page: Realty II-12 a., Pg. 14

Decision Language: Provide the opportunity to utilize public lands for development of facilities which benefit the public, while considering environmental and agency concerns.

CATEGORICAL EXCLUSION REVIEW: The Proposed Action qualifies as a categorical exclusion under 516 DM 11, Number: (E) (9) "*Renewals and assignments of leases, permits or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations.*" None of the following extraordinary circumstances in 516 DM 2, Appendix 2, apply.

Extraordinary Circumstances	Yes	No
2.1 Have significant impacts on public health or safety		X
2.2 Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.		X
2.3 Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2)(E)].		X
2.4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
2.5 Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
2.7 Have significant impacts on properties listed, or eligible for listing, on the National Register of historic Places as determined by either the bureau or office.		X
2.8 Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.		X
2.9 Violate a Federal Law, or a State, local, or tribal law or requirement imposed for the protection of the environment.		X
2.10 Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		X
2.11 Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).		X
2.12 Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).		X

INTERDISCIPLINARY REVIEW:

Name	Title	Area of Responsibility	Date Review Completed
Susan Cassel	Realty Specialist	Realty	2/15/08
Joe Stout	Planning and Environmental	NEPA	3/5/08

	Coord.		
Megan McGuire	Wildlife Biologist	T&E	2/14/07
Paula Belcher	Hydrologist	Soil, Water, Air	2/15/08
Bill Wyatt	Archaeologist	Cultural	2/13/08

REMARKS:

Cultural Resources: This action is not an undertaking under Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulations.

Native American Religious Concerns: This action is not an undertaking under Section 106 of the National Historic Preservation Act of 1966 as amended, and its implementing regulations, tribal consultation is not necessary.

Threatened and Endangered Species: The proposed action would not affect any federally or state listed species or BLM sensitive species.

COMPLIANCE PLAN: The right-of-way would be inspected and monitored periodically during terms of the grants to ensure compliance with the terms and conditions of the grants. The right-of-way would also be inspected after any maintenance activities to determine compliance with and effectiveness of reclamation measures.

NAME OF PREPARER: Susan Cassel

NAME OF ENVIRONMENTAL COORDINATOR: Joe Stout

DATE: 3/5/08

ATTACHMENTS:

- 1). Project Map
- 2). Current ROW Stipulations

DECISION AND RATIONALE: I have reviewed this CER and have decided to implement the proposed action.

This action is listed in the Department Manual as an action that may be categorically excluded. I have evaluated the action relative to the 12 criteria listed above and have determined that it does not represent an extraordinary circumstance and is, therefore, categorically excluded from further environmental analysis.

SIGNATURE OF AUTHORIZED OFFICIAL: /s/ Peter McFadden (acting)

DATE SIGNED: 3/5/08